



Ordinance 15 - 31

An Ordinance Amending Sections, 30-796, Fences; 30-1007, Accessory Structures; 30-1042, Accessory structure setbacks; 30-1582, Accessory structure setbacks of the City of Elk River, Minnesota, City Code

The City Council of the City of Elk River does hereby ordain as follows:

SECTION 1. That § 30-796, Fences; visibility at intersections and driveways of the City of Elk River Code of Ordinances shall be amended to read as follows:

- (a) Height restrictions. In any residential zone on any lot, no fence or planting shall rise over 2½ feet in height above the level of the public sidewalk or curb of street within ten (10) feet of the front property line.
- (b) Height of fences in side and front yards. No fence in a front yard or along a side line of a lot in a residential zone, other than a retaining wall, shall be higher than six feet in height unless the adjoining lot is not in a residential zone. ~~Construction of a fence exceeding six feet in height requires a building permit.~~
- (c) Height of fences in rear yard. No fence higher than eight feet may be located in a required rear yard in a residential district, unless the adjoining lot is not in a residential zone. ~~Construction of a fence exceeding six feet in height requires a building permit.~~
- ~~(d)~~ In any zoning district, construction of a fence exceeding seven (7) feet in height requires a building permit.
- ~~(de)~~ General requirements for fences.
 - (1) Location. Any fence shall be located entirely upon the private property of the person constructing or causing the construction of such fence unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the division line of the respective properties. The director of planning or their designee may require the owner of the property upon which a fence exists to establish the boundary lines of the property by a survey thereof.
 - (2) Construction and maintenance.
 - a. Every fence shall be constructed in a complete and substantial manner and of materials reasonably suited for the purpose for which the fence is proposed to be used.
 - b. Every fence shall be maintained in a condition of reasonable repair. No fence shall be constructed or continue which is dangerous to the public safety, health, or welfare as determined by the director of planning or their designee.
 - c. Electric fences, barbed wire fences and barbless wire fences shall be permitted only in the A-1 and R-1a zoning districts when related to farming.
 - (3) Finished side of fence to face adjoining property. If the material used in the fence construction is not finished on both sides, the finished side of the material shall be on the outside, facing the abutting or adjoining properties, and all posts or structures supporting the fence shall be on the inside of the fence.

- (4) Pools.
- All below ground swimming pools require a building permit and shall be enclosed with a fence or covered with an automatic pool cover when not supervised.
 - The fencing or automatic pool cover must be installed prior to filling the pool.
 - Fencing shall be chain link, vertical pickets or solid. Spaces between the bottom of the fence and the ground or between the pickets shall not exceed four inches.
 - Fencing shall be a minimum of four feet in height and all gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children and provided with hardware for permanent locking devices.
 - Automatic pool covers shall meet the standards of F1346-91 (reapproved 1996) of American Society of Testing and Materials (ASTM), as such standards may be modified, superseded or replaced by ASTM.
 - All above ground pools that require a building permit shall have access controlled with a means to prevent access into the above ground pool when unoccupied. Failure to prevent access into an above ground pool when unoccupied is a misdemeanor.
 - All pool related chemicals shall be stored inside the home or an accessory structure.

SECTION 2. That § 30-1007, Accessory structures of the City of Elk River Code of Ordinances shall be amended to read as follows:

Accessory structures shall comply with the following dimensional regulations:

District	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)	Maximum Height (feet)	Fences (feet)	Agricultural Buildings (feet)
R-1a	35	20	30	22 ¹	0 ³	⁴
R-1b:						
Nonsewered	35	10	20	15 ¹	0 ²	100
Sewered	35	5	5	15 ¹	0 ²	100
R-1c	30	5	5	15 ¹	0 ²	100
R-1d	35	5	5	15 ¹	0 ²	100

R-2a:						
Duplex	30	5	5	15 ¹	0	—
R-2b:						
Townhouse	30	10	10	15 ¹	0	—
R-3:						
Single-family	30	5	10			
Duplexes	30	5	5			
R-4:						
Townhouse and other multifamily	30	10	10	15 ¹	0	—
Swimming pools ⁵				—	0	

¹ A maximum of one story is permitted.

² The keeping of livestock is prohibited within 100 feet of any property line in the R-1b, R-1c, and R-1d districts.

³ The keeping of livestock is prohibited within five feet of any property line in the R-1a district.

⁴ Agricultural building shall be set back 30 feet from any property line and 50 feet from any road right-of-way.

⁵ ~~Swimming pools~~. Swimming pools shall be setback a minimum of eight feet from the side yard and rear yard lot lines and must comply with the required front yard setback as per this subdivision II. Swimming pools must comply with the fencing requirements found in section 30-796.

SECTION 3. That § 30-1042, Accessory structures setbacks of the City of Elk River Code of Ordinances shall be amended to read as follows:

Accessory structures shall comply with the following dimensional regulations:

District	Front Setback	Side Setback	Rear Setback	Maximum Height	Fences	Agricultural Buildings
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	(feet)	(feet)	(feet)	(feet)		
C-1	No limits			45	0	—
C-2	15	10	10	45	0	—
C-3	25	10	10	35	0	—
XCR	25	10	10	35	0	—
Swimming pools ¹				—	0	—

¹ Swimming pools shall be set back a minimum of eight feet from the side yard and rear yard lot lines and must comply with the required front yard setback as per this subdivision II. ~~Swimming pools must be completely enclosed with an opaque chainlink or equivalent fence at least four feet high with a lockable gate. Swimming pools must comply with the fencing requirements found in section 30-796.~~

SECTION 4. That § 30-1582, Accessory structures setbacks of the City of Elk River Code of Ordinances shall be amended to read as follows:

Accessory structures shall comply with the following dimensional regulations:

District	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)	Maximum Height (feet)	Fences (feet)	Agricultural Buildings (feet)
A-1	50	25	50	22 ¹	0	— ²
Swimming pools ³				—	0	—
AR Parking lots	50	50	50	—	—	—
CRT ⁴	50	25	50	22 ¹	0	— ²

¹ A maximum of one story is permitted.

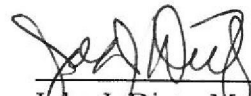
² Agricultural buildings shall comply with all regular setback requirements for accessory structures.

³ Swimming pools shall be set back a minimum of eight feet from the side yard and rear yard lot lines and must comply with the required front yard setback as per this subdivision II. ~~Swimming pools must be completely enclosed with an opaque chainlink or equivalent fence at least four feet high with a lockable gate.~~ Swimming pools must comply with the fencing requirements found in section 30-796.

⁴ Accessory structures shall comply with the size limitations as prescribed for lots in the R-1a district, as outlined in section 30-793 (b).

SECTION 5. That this ordinance shall take effect upon adoption and be published as provided by law.

Passed and adopted by the City Council of the City of Elk River this 21st day of September, 2015.



John J. Dietz, Mayor

ATTEST:



Tina Allard, City Clerk